



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,883	12/13/2000	Jeffrey A. Dean	0026-0006	5681

26615 7590 02/26/2004

HARRITY & SNYDER, LLP
11240 WAPLES MILL ROAD
SUITE 300
FAIRFAX, VA 22030

EXAMINER

SAIN, GAUTAM

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,883

Applicant(s)

DEAN ET AL.

Examiner

Gautam Sain

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/62502</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

- 1) 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 1-1) Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claim 27 set forth non-function descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technology arts (i.e. a computer) to produce a "useful, concrete and tangible" result. The language "web browser", does not clearly define structural elements and are not tangibly embodied on a computer readable medium. Claim 27 is interpreted as software per se, abstract ideas or mental constructs and not tangible embodied on a computer readable medium or hardware.

Claim Rejections - 35 USC § 102

- 2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2-1) Claims 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Pant et al. (US Patent 6012053, filed Jun 23, 1997).**

In regard to independent claim 1, 24, Pant teaches “identifying a document that includes one or more entries,” “determining scores for each of the entries in the identified document,” “modifying the identified document based on the determined scores,” “providing the modified document to the user” (col 2, lines 35-55; col 13; lines 9-25; Fig 7-9).

In regard to dependent claim 2, Pant teaches “web document” (col 3, lines 25-30; Fig -9).

In regard to dependent claim 3, Pant teaches “non-web document” (col 1, lines 32-35).

In regard to dependent claim 4, Pant teaches “intercepting data of a document sent from a server to a client” (Fig 3; col 5, line 60- col 6, line 10).

In regard to dependent claim 5, Pant teaches “entries includes a link to another document or another portion of the identified document and link information corresponding to the link” (col 13, lines 10-15; col 11, line 40).

In regard to dependent claim 6, Pant teaches “entries includes a link to a linked document or another portion of the identified document” (col 13, lines 10-15; col 11, line 40).

In regard to dependent claim 11, 13, Pant teaches receiving a query from the user (col 2, lines 50-55; col 1, lines 50-60; col 3, lines 33-35).

Pant teaches determining scores for each of the linked documents using the received query (col 1, lines 50-65; col 2, lines 35-55; col 3, lines 33-55).

Pant teaches associating the determined scores for the linked documents with the corresponding entries in the identified documents (col 3, lines 33-55; col 2, lines 35-55).

In regard to dependent claim 12 ,14, Pant teaches for each of the linked documents, comparing the query with the contents of the linked document, and determining a score for the linked document based on a degree of match between the query and the contents of the linked document (col 1, lines 50-63; col 2, lines 25-43; col 3, lines 30-55).

In regard to dependent claim 15, Pant teaches “reordering the entries based on the determined scores” (col 2, lines 35-40).

In regard to dependent claim 16, Pant teaches “sorting the entries based on the determined scores” (col 2, lines 35-43).

In regard to dependent claim 17, Pant teaches “visually distinguishing the entries based on the determined scores” (col 2, lines 35-43).

In regard to dependent claim 18, Pant teaches “changing at least one visual characteristic of the entries based on the determined scores” (ie., percentage changes)(fig 7, item 336; col 13, lines 1-25).

In regard to dependent claim 20, Pant teaches “moving one or more of the entries with a score above a threshold to a prominent locations in the identified document” (ie., user selects relevance factors and the presentation of results differs)(col 13, lines 1-25).

In regard to dependent claim 22, Pant teaches “annotating the entries based on the determined scores” (col 13, lines 1-25; col 2, lines 35-55).

In regard to dependent claim 23, Pant teaches “adding at least one of scores, rating symbols, and document information to the entries based on the determined scores” (ie., percentage as score)(col 2, lines 35-55).

In regard to independent claim 25, pant teaches “a memory configured to store instructions” (ie., computer, database, ...)(Title, col 3, lines 10-67; col 4, lines 1-67).

Pant teaches “a processor configured to execute instructions in the memory,” “identify one or more documents that include a plurality of entries, determine a score for each of the entries in the one or more documents, modifying the entries based on the determined scores, and provide the identified one or more documents with the modified entries to a user” (col 2, lines 35-55; col 13; lines 9-25; Fig 7-9).

In regard to independent claim 27, Pant teaches “instructions for requesting documents on at least one server, each of the documents including one or more entries” (col 4, lines 1-26) (col 2, lines 35-55).

Pant teaches “instructions for determining scores for each of the entries,” “instructions for modifying the requested documents based on the determined scores,” “instructions for presenting the modified documents to facilitate selection of one or more of the entries” (col 4, lines 1-26; col 2, lines 35-55; col 13; lines 9-25; Fig 7-9).

In regard to independent claim 28, Pant teaches “receiving a request for a document that includes one or more entries” (col 3, lines 30-55).

Pant teaches “determining a score for each of the entries in the document” (col 3, lines 30-55; col 2, lines 35-55).

Pant teaches “modifying the entries by at least one of reordering, deleting, visually distinguishing, and annotating the entries based on the determined scores” (ie., rearranging based on score) (col 2, lines 35-43; col 13, lines 1-25; fig 7-9).

In regard to dependent claim 29, Pant teaches “identifying the entries in the document, sending the identified entries to a server, and receiving, from the server, scores for the identified entries” (col 5, line 60 – col 6, line 15; col 2, lines 35-55; fig 1, 7-9).

In regard to dependent claim 30, Pant teaches “sending the document to a server, and receiving the document with the modified entries from the server” (col 5, line 60 – col 6, line 15; col 2, lines 35-55; col 13, lines 1-25; fig 1, 7-9).

In regard to independent claim 31, Pant teaches “a memory configured to store instructions” (ie., computer, database, ...)(Title, col 3, lines 10-67; col 4, lines 1-67).

Pant teaches “a processor configured to execute the instructions in the memory,” “to obtain a request for a document that includes one or more entries, determine a score for each of the entries in the document, modify the document based on the determined scores, and provide the modified document to facilitate selection of one of the entries in the modified document” (col 2, lines 35-55; col 13; lines 9-25; Fig 7-9).

In regard to independent claim 32, Pant teaches “a memory configured to store instructions” (ie., computer, database, ...)(Title, col 3, lines 10-67; col 4, lines 1-67).

Pant teaches "a processor configured to execute the instructions in the memory to obtain, from one of the second servers, one or more entries from a document, determine scores for the one or more entries, and return the scores to the one second server" (col 2, lines 35-55; col 13; lines 9-25; Fig 7-9).

In regard to independent claim 33, Pant teaches "receiving a document from the second server, the document including one or more entries," "determining a score for a number of one or more entries," "modifying the identified document based on the determined scores," "sending the modified document to the second server" (col 2, lines 35-55; col 13; lines 9-25; col 5, lines 1-67; Fig 7-9).

In regard to independent claim 34, Pant teaches "a memory configured to store instructions" (ie., computer, database, ...)(Title, col 3, lines 10-67; col 4, lines 1-67).

Pant teaches "a processor configured to execute the instructions in the memory to obtain a document that includes one or more entries from the second server, determine a score for a number of the one or more entries, modify the one or more entries based on the determined scores and send the document with the modified one or more entries to the second server" (col 2, lines 35-55; col 13; lines 9-25; col 5, lines 1-67; Fig 7-9).

Claim Rejections - 35 USC § 103

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3-1) Claims 7,9,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pant et al (US Patent 6012053, filed Jun 1997) in view of Page (US Patent 6285999 B1, filed Jan 1998).

In regard to dependent claim 7, Pant does not teach, but Page teaches “for each of the linked documents, determining scores for one or more linking documents that contain links to the linked documents,” “determining scores for each of the linked documents based on the scores of the one or more linking documents,” “associating the determined scores for the linked documents with the corresponding entries in the identified documents” (col 3, lines 20-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pant to include provide for scoring linked database documents as taught by Page, providing the motivation to determine the importance of a document (Page, col 3, lines 20-25).

In regard to dependent claim 9, Pant does not teach, but Page teaches “determining a popularity of each of the linked documents,” “determining scores for each of the linked documents based on the determined popularity,” “associating the determined scores for the linked documents with the corresponding entries in the identified documents” (ie., importance of a document if highly cited by other documents... rank assigned to it ... providing a score linked database documents) (col 2, lines 55-65; col 3, lines 5-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pant to include determining importance, scoring and associating that

with an entry in the document as taught by Page, providing the benefit of a simple method for determining the importance of a document by counting its number of citations (col 2, lines 20-35).

In regard to dependent claim 10, Pant does not teach, but Page teaches “for each of the linked documents, determining a popularity of a web site containing the linked document,” “associating the popularity of the web site to the linked document” (ie., importance of a document if highly cited by other documents... rank assigned to it ... providing a score linked database documents) (col 2, lines 55-65; col 3, lines 1-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pant to include determining importance, scoring and associating that with an entry in the document as taught by Page, providing the benefit of a simple method for determining the importance of a document by counting its number of citations (col 2, lines 20-35).

3-2) Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pant et al (US Patent 6012053, filed Jun 1997) in view Lazarus et al. (US Patent 6134532, filed Nov 1997).

In regard to dependent claim 8, Pant does not teach, but Lazarus teaches “determining a clickthrough rate for each of the linked documents” (Lazarus, col 26, line 38).

Pant does not teach, but Lazarus teaches “determining scores for each of the linked documents based on the determined clickthrough rate” (Lazarus, col 26, lines 15-55).

Pant teaches "associating the determined scores for the linked documents with the corresponding entries in the identified document" (col 2, lines 35-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pant to include determining a clickthrough rate as taught in Lazaru, providing the benefit of selecting and presenting personally targeted entities such as advertising ,... based on observed user behavior (Lazarus, Abstract) for practical and financial reasons (col 1, lines 40-50).

3-3) Claims 19, 21, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pant et al (US Patent 6012053, filed Jun 1997) in view of Brown (US Patent 6635838, filed Jul 30, 1999).

In regard to dependent claim 19, Pant does not teach, but Brown teaches "changing at least one of a font, style, size, and color of the entries provided to the user" (ie., bolding, color, text size, font, italic, shading on text)(Brown, col 7, line 55 – col 8, line 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pant to include alteration of text to highlight the query text/data as taught in Brown, providing the benefit for internet users to have a tool to enable them to make more informed decisions about which links to follow and improving the performance of the web browsing (Brown, col 2, lines 15-20).

In regard to dependent claim 21, Pant does not teach, but Brown teaches "deleting one or more of the entries with scores below a predetermined threshold" (ie., if

Art Unit: 2176

below threshold, not displaying one of the prefetched entries)(col 10, lines 25-60; fig 12, items 1205-1260).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pant to include removing an entry from a final display or a prefetched list if the threshold is not met, as taught in Brown, providing the benefit of an internet tool to enable users to make more informed decision about which link to follow, and dramatically improving the performance of the web browsing (Brown, col 2, lines 15-18).

In regard to independent claim 26, Pant teaches “a browser configured to request documents from a network, each of the documents including one or more entries” (col 5, lines 5-27).

Pant does not express teach, but Brown Pant teaches “a browser assistant configured to ...” (ie., Java Applet .. displayed in flyover help for the link)(Brown, col 11, lines 50 –67).

Pant teaches “... determine scores for each of the entries in each of the requested documents, modify the requested documents based on the determined scores, and present the modified documents to facilitate selection of one or more of the entries” (col 2, lines 35-55; col 13; lines 9-25; Fig 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pant to include an applet for flyover help for links in a search query as taught by Brown, providing the benefit to internet users to have a tool to enable them

to make more informed decisions about which link to follow and dramatically improving the performance of web browsing needs (Brown, col 2, lines 15-20).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 703-305-8777. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GS



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER